



OFFICE OF THE PRESIDENT

Item 6.2

PRESENT TO BOARD: MAY 23, 2018

TO: SOUTH FLORIDA STATE COLLEGE
DISTRICT BOARD OF TRUSTEES

FROM: THOMAS C. LEITZEL 

SUBJECT: POLICY DEVELOPMENT

Approval is requested for the adoption of DBOT Policy 2.21, *Free Expression*, to reflect the creation of the Campus Free Expression Act (Florida Statute 1004.097) created during the 2018 legislative session.

SUGGESTED MOTION:

Move to approve the adoption of DBOT Policy 2.21 as presented.



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Item 6.2.1

NEW

**SOUTH FLORIDA STATE COLLEGE
DISTRICT BOARD OF TRUSTEES POLICIES**

POLICY NO. 2.21

TITLE: FREE EXPRESSION

LEGAL AUTHORITY: FLORIDA STATUTE 1004.097 (Campus Free Expression Act)

OFFICE OF PRIMARY RESPONSIBILITY: PRESIDENT'S OFFICE

Definitions:

Commercial Speech: speech in which the individual is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial.

Free Speech Zone: an area on a campus of the college which is designated for the purpose of engaging in expressive activities.

Material and Substantial Disruption: any conduct that intentionally and significantly hinders another person's or group's expressive rights. The term does not include conduct that is protected under the First Amendment to the United States Constitution and Art. I of the State Constitution, including, but not limited to, lawful protests and counter-protests in the outdoor areas of campus or minor, brief, or fleeting nonviolent disruptions that are isolated or brief in duration.

Outdoor Areas of Campus: generally accessible areas of a campus of a public institution of higher education in which members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The term does not include outdoor areas of campus to which access is restricted.

Right to Free-Speech Activities

Expressive activities protected under the First Amendment to the United States Constitution and Art. I of the State Constitution include, but are not limited to, any lawful oral or written communication of ideas, including all forms of peaceful assembly, protests, and speeches; distributing literature; carrying signs; circulating petitions; and the recording and publication, including the internet publication, of video or audio recorded in outdoor areas of campus. Expressive activities protected by this section do not include commercial speech.

A person who wishes to engage in an expressive activity in outdoor areas of campus may do so freely, spontaneously, and contemporaneously as long as the

person's conduct is lawful and does not materially and substantially disrupt the functioning of the college or infringe upon the rights of other individuals or organizations to engage in expressive activities.

Outdoor areas of campus are considered traditional public forums for individuals, organizations, and guest speakers. The president or designee may create and enforce restrictions that are reasonable and content-neutral on time, place, and manner of expression and that are narrowly tailored to a significant institutional interest. Restrictions must be clear and published and must ~~and~~ provide for ample alternative means of expression.

The college will not designate any area of campus as a free-speech zone or otherwise create policies restricting expressive activities to a particular outdoor area of campus, except as provided in the prior paragraph.

Students, faculty, or staff may not materially disrupt previously scheduled or reserved activities on campus occurring at the same time.

A person whose expressive rights are violated by an action prohibited under this section may seek relief pursuant to Florida Statute 1004.097.

HISTORY: Adopted: xx/xx/xx

Issued by District Board of Trustees: xx/xx/xx

Reviewed:

Revised: